



US Army Corps  
of Engineers  
Alaska District

# Public Notice of Application for Permit

Regulatory Branch (1145b)  
3437 Airport Way  
Suite 206  
Fairbanks, Alaska 99709-4777

PUBLIC NOTICE DATE: May 26, 2006

EXPIRATION DATE: June 26, 2006

REFERENCE NUMBER: POA-2006-530-4

WATERWAY NUMBER: Chena-Badger Slough

Interested parties are hereby notified that an application has been received for a Department of the Army permit for certain work in waters of the United States as described below and shown on the attached plan.

APPLICANT: Mr. Richard M. Staley, Post Office Box 55882, North Pole, Alaska 99705, (907) 322-5925

LOCATION: 64.8000°N, -147.4054°W. Staley Estates 1<sup>st</sup> Addition, Section 29, T. 1 S., R. 2 E., Fairbanks Meridian, in North Pole, Alaska.

WORK: The applicant proposes to impact 1.03 acres of waters of the United States, through mechanized land clearing and the placement of 5,615 cubic yards of fill. Work would be performed according to the attached plans (sheets 1-7), dated May 23, 2006.

PURPOSE: To develop a 40-lot subdivision for residential housing.

ADDITIONAL INFORMATION: Three of the proposed 40 lots, and a 40'W x 50'L portion of Dano Court, are located in wetlands. The applicant proposes to mechanically clear approximately 1.03 acres of wetlands and place 5,615 cubic yards of fill in 0.66 of these cleared acres for the construction of Dano Court and three multi-family homes, one on each of the wetland lots. Most native vegetation would be maintained outside the mechanically cleared area on each lot. A 50-foot buffer of native vegetation would be maintained on both sides of a slough channel that runs through the northwest quarter of the proposed subdivision; the buffer would be maintained on Lots 3-6, 7-9, and 11-15. The subdivision would contain primarily single-family homes, but Lots 1-6 would have multi-family homes. All subdivision lots would be sold without improvements.

WATER QUALITY CERTIFICATION: A permit for the described work will not be issued until a certification or waiver of certification as required under Section 401 of the Clean Water Act (Public Law 95-217), has been received from the Alaska Department of Environmental Conservation.

PUBLIC HEARING: Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, reasons for holding a public hearing.

CULTURAL RESOURCES: The latest published version of the Alaska Heritage Resources Survey (AHRS) has been consulted for the presence or absence of historic properties, including those listed in or eligible for inclusion in the National Register of Historic Places. No historic properties were located within one mile of the proposed development. Consultation of the AHRS constitutes the extent of cultural resource investigations by the District Engineer at this time. This application is being coordinated with SHPO. Any comments SHPO may have concerning presently unknown archeological or historic data that may be lost or destroyed by work under the requested permit will be considered in our final assessment of the described work.

ENDANGERED SPECIES: No threatened or endangered species are known to use the project area. Preliminarily, the described activity will not affect threatened or endangered species, or their critical habitat designated as endangered or threatened, under the Endangered Species Act of 1973 (87 Stat. 844). This application is being coordinated with the U.S. Fish and Wildlife Service and the National Marine Fisheries Service. Any comments they may have concerning endangered or threatened wildlife or plants or their critical habitat will be considered in our final assessment of the described work.

ESSENTIAL FISH HABITAT: The proposed work is being evaluated for possible effects to Essential Fish Habitat (EFH) pursuant to the Magnuson Stevens Fishery Conservation and Management Act of 1996 (MSFCMA), 16 U.S.C. et seq and associated federal regulations found at 50 CFR 600 Subpart K. The Alaska District includes areas of EFH as Fishery Management Plans. We have reviewed the January 20, 1999, North Pacific Fishery Management Council's Environmental Assessment to locate EFH area as identified by the National Marine Fisheries Service (NMFS). We have determined that the described activity within the proposed area will not adversely affect EFH, including anadromous fish and federally managed fishery resources.

SPECIAL AREA DESIGNATION: None.

EVALUATION: The decision whether to issue a permit will be based on an evaluation of the probable impacts including cumulative impacts of the proposed activity and its intended use on the public interest. Evaluation of the probable impacts, which the proposed activity may have on the public interest, requires a careful weighing of all the factors that become relevant in each particular case. The benefits, which reasonably may be expected to accrue from the proposal, must be balanced against its reasonably foreseeable detriments. The decision whether to authorize a proposal, and if so, the conditions under which it will be allowed to occur, are therefore determined by the outcome of the general balancing process. That decision should reflect the national concern for both protection and utilization of important resources. All factors, which may be relevant to the proposal, must be considered including the cumulative effects thereof. Among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shore erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people. For activities involving 404 discharges, a permit will be denied if the discharge that would be authorized by such permit would not comply with the Environmental Protection Agency's 404(b)(1) guidelines. Subject to the preceding sentence and any other applicable guidelines or criteria (see Sections 320.2 and 320.3), a permit will be granted unless the District Engineer determines that it would be contrary to the public interest.

The Corps of Engineers is soliciting comments from the public; Federal, State, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to

issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Comments on the described work, with the reference number, should reach this office no later than the expiration date of this Public Notice to become part of the record and be considered in the decision. Please contact Sharon Seim by email at [Sharon.G.Seim@poa02.usace.army.mil](mailto:Sharon.G.Seim@poa02.usace.army.mil), by phone at (907) 474-2166, or by FAX at (907) 474-2164 if further information is desired concerning this notice.

AUTHORITY: This permit will be issued or denied under the following authority:

(X) Discharge dredged or fill material into waters of the United States - Section 404 Clean Water Act (33 U.S.C. 1344). Therefore, our public interest review will consider the guidelines set forth under Section 404(b) of the Clean Water Act (40 CFR 230).

A plan and Notice of Application for State Water Quality Certification are attached to this Public Notice.

District Engineer  
U.S. Army, Corps of Engineers

Attachments

FRANK H. MURKOWSKI, GOVERNOR

# STATE OF ALASKA

OFFICE OF THE GOVERNOR

## DEPT. OF ENVIRONMENTAL CONSERVATION

### DIVISION OF WATER

Non-Point Source Water Pollution Control Program  
401 Certification Program

### NOTICE OF APPLICATION FOR STATE WATER QUALITY CERTIFICATION

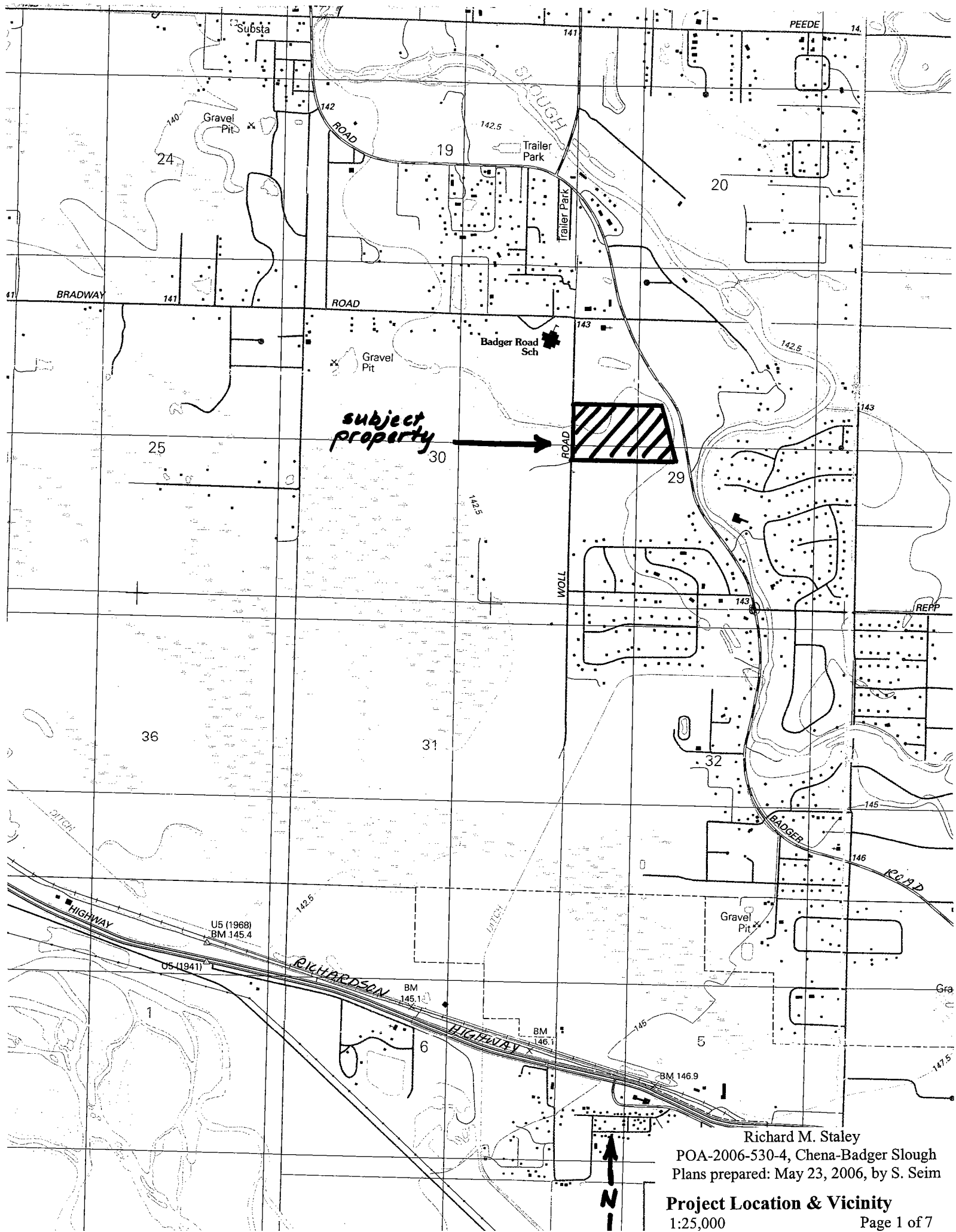
Any applicant for a federal license or permit to conduct an activity that might result in a discharge into navigable waters, in accordance with Section 401 of the Clean Water Act of 1977 (PL95-217), also must apply for and obtain certification from the Alaska Department of Environmental Conservation that the discharge will comply with the Clean Water Act, the Alaska Water Quality Standards, and other applicable State laws. By agreement between the U.S. Army Corps of Engineers and the Department of Environmental Conservation, application for a Department of the Army permit to discharge dredged or fill material into navigable waters under Section 404 of the Clean Water Act also may serve as application for State Water Quality Certification.

Notice is hereby given that the application for a Department of the Army Permit described in the Corps of Engineers' Public Notice No. POA 2006 530 4, Chena-Badger Slough serves as application for a short-term variance of State Water Quality Certification from the Department of Environmental Conservation, as provided in Section 401 of the Clean Water Act of 1977 (PL 95-217).

The Department will review the proposed activity to ensure that, except for an allowed, short-term variance, any discharge to waters of the United States resulting from the referenced project will comply with the Clean Water Act of 1977 (PL95-217), the Alaska Water Quality Standards, and other applicable State laws. The Department also may deny or waive certification.

Any person desiring to comment on the project with respect to Water Quality Certification may submit written comments within 30 days of the date of the Corps of Engineer's Public Notice to:

Department of Environmental Conservation  
WQM/401 Certification  
555 Cordova Street  
Anchorage, Alaska 99501-2617  
Telephone: (907) 269-7564  
FAX: (907) 269-7508



# CERTIFICATE OF PAYMENT OF TAXES

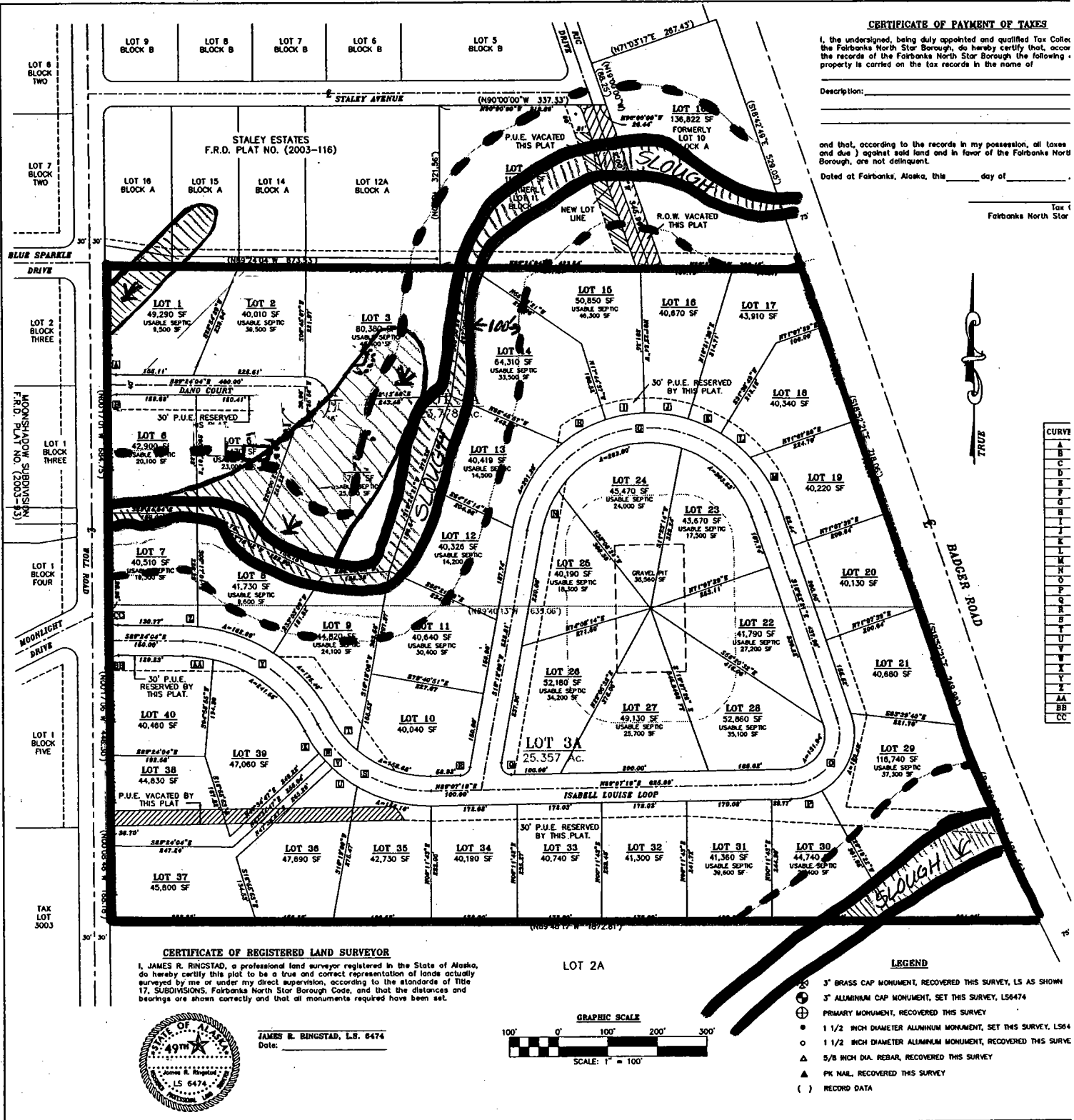
I, the undersigned, being duly appointed and qualified Tax Collector for the Fairbanks North Star Borough, do hereby certify that, according to the records of the Fairbanks North Star Borough, the following property is carried on the tax records in the name of

Description:

and that, according to the records in my possession, all taxes (and due) against said land and in favor of the Fairbanks North Star Borough, are not delinquent.

Dated at Fairbanks, Alaska, this \_\_\_\_\_ day of \_\_\_\_\_,

Tax Collector  
Fairbanks North Star Borough



== SLOUGH

Wetlands

--- = 100 ft septic buffer from slough channel

Richard M. Staley

POA-2006-530-4, Chena-Badger Slough  
Plans prepared: May 23, 2006, by S. Seim

Project Plan

1" = 300 feet

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STALEY ESTATES  
F.R.D. PLAT NO. (2003-116)

LOT 16  
BLOCK A

LOT 15  
BLOCK A

LOT 14  
BLOCK A

*Note*

Trees to be left in Area  
outside of cleared Area  
shown. Dozer or Excavator  
to be used for Machine  
clearing. 50' Buffer from  
slough channel for any machine  
clearing.

(NORTH 321.56')

30'

30'

(N89°24'04"W 673.53')

269.11'

135.01'

N89°24'04"W 326.44'

Tree Buffer

**LOT 1**

49,290 SF  
USABLE SEPTIC  
9,500 SF

**LOT 2**

40,010 SF  
USABLE SEPTIC  
39,500 SF

**LOT 3**

80,350 SF  
4-plex  
USABLE SEPTIC  
12,400 SF

155.11'

225.51'

S89°24'04"E 400.00'

**DANO COURT**

159.69'

150.41'

30' P.U.E. RESERVED  
BY THIS PLAT.

**LOT 6**

42,900 SF  
USABLE SEPTIC  
20,100 SF

**LOT 5**

44,470 SF  
USABLE SEPTIC  
25,000 SF

100'

PARKING

4-plex

**LOT 4**

95,790 SF  
USABLE SEPTIC  
25,800 SF

Clear Area

180'

Tree  
Buffer

S89°24'04"E

180.00'

**LOT 7**

40,510 SF  
USABLE SEPTIC  
19,300 SF

**LOT 8**

41,730 SF  
USABLE SEPTIC  
9,600 SF

**LOT 12**

40,326 SF  
USABLE SEP  
14,200 SF

WOLL ROAD

184.36'

20.95'

130.77'

S89°24'04"E

150.00'

A=162.99'

U=uplands  
W=wetlands

Richard M. Staley

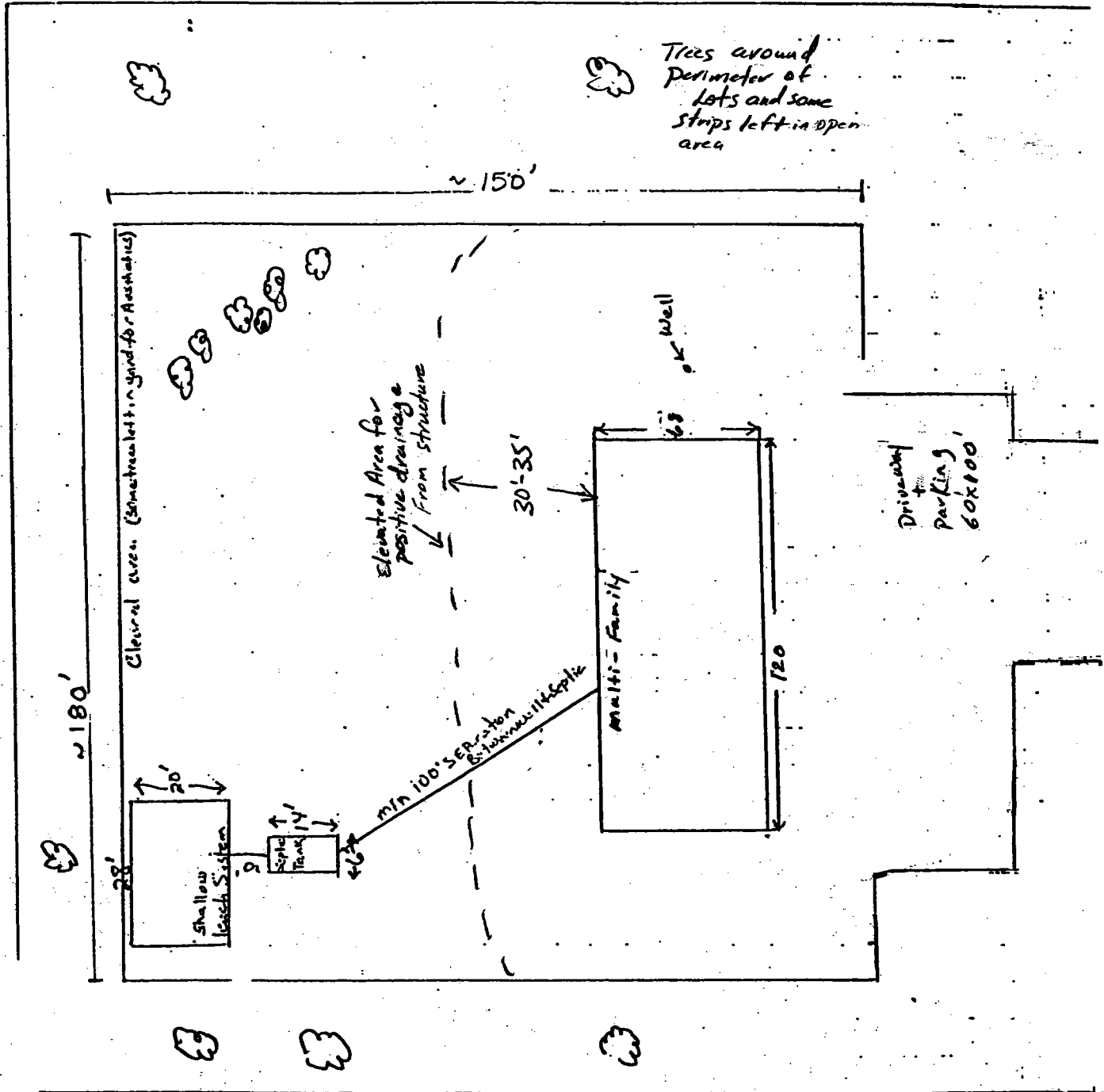
POA-2006-530-4, Chena-Badger Slough  
Plans prepared: May 23, 2006, by S. Seim

**Plan Detail**

1" ≈ 115 feet

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Typical Clearing for House, DEC Septic System + Well  
 Approx. 27,000 <sup>sq</sup> ft cleared. Possibly larger clearing + Driveway  
 Parking Area for Multi-Family unit.



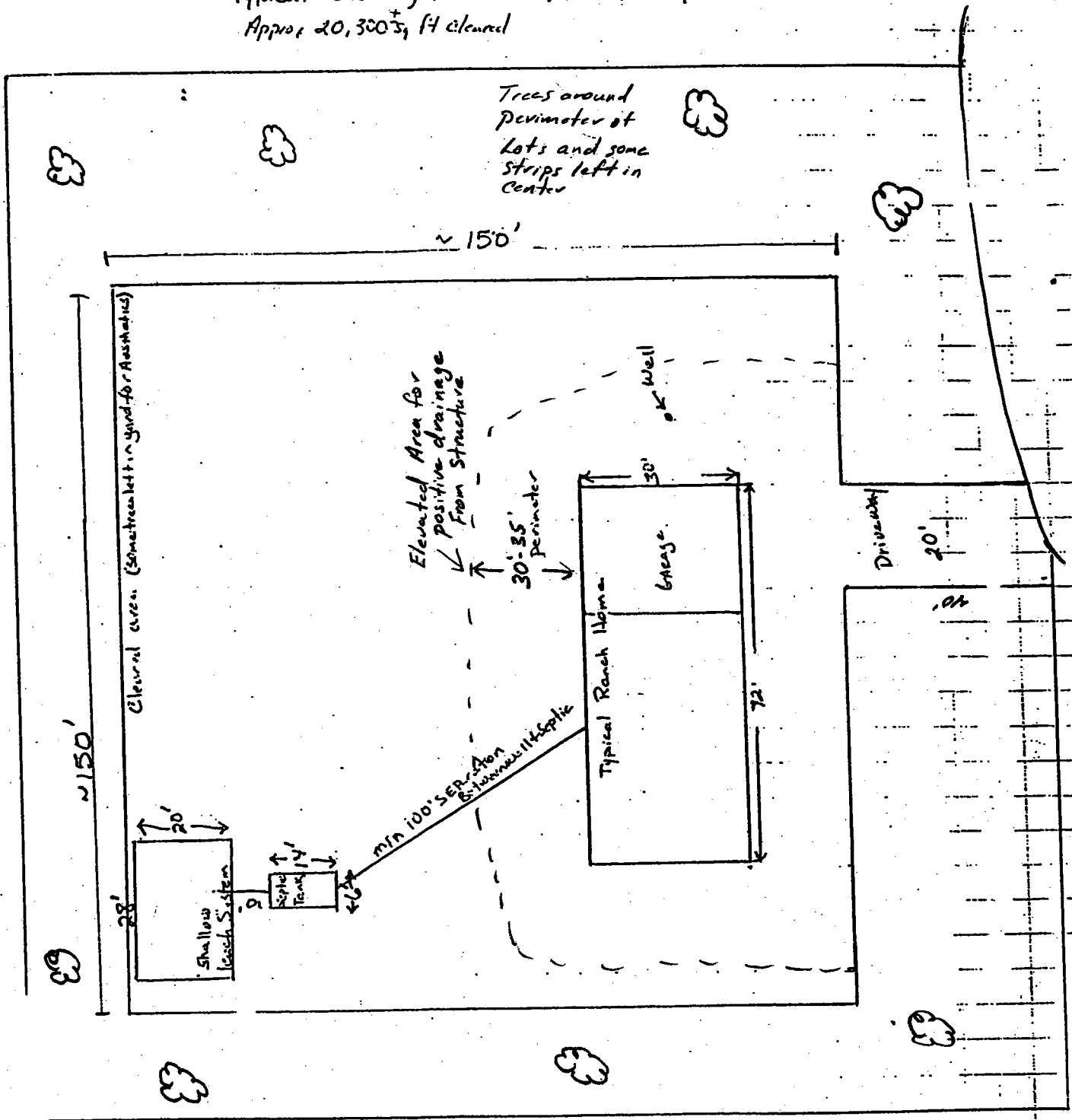
Richard Staley  
 Staley Estates 1st Addition

Richard M. Staley  
 POA-2006-530-4, Chena-Badger Slough  
 Plans prepared: May 23, 2006, by S. Seim

Typical Lot Multi-Family Home  
 NTS Page 4 of 7



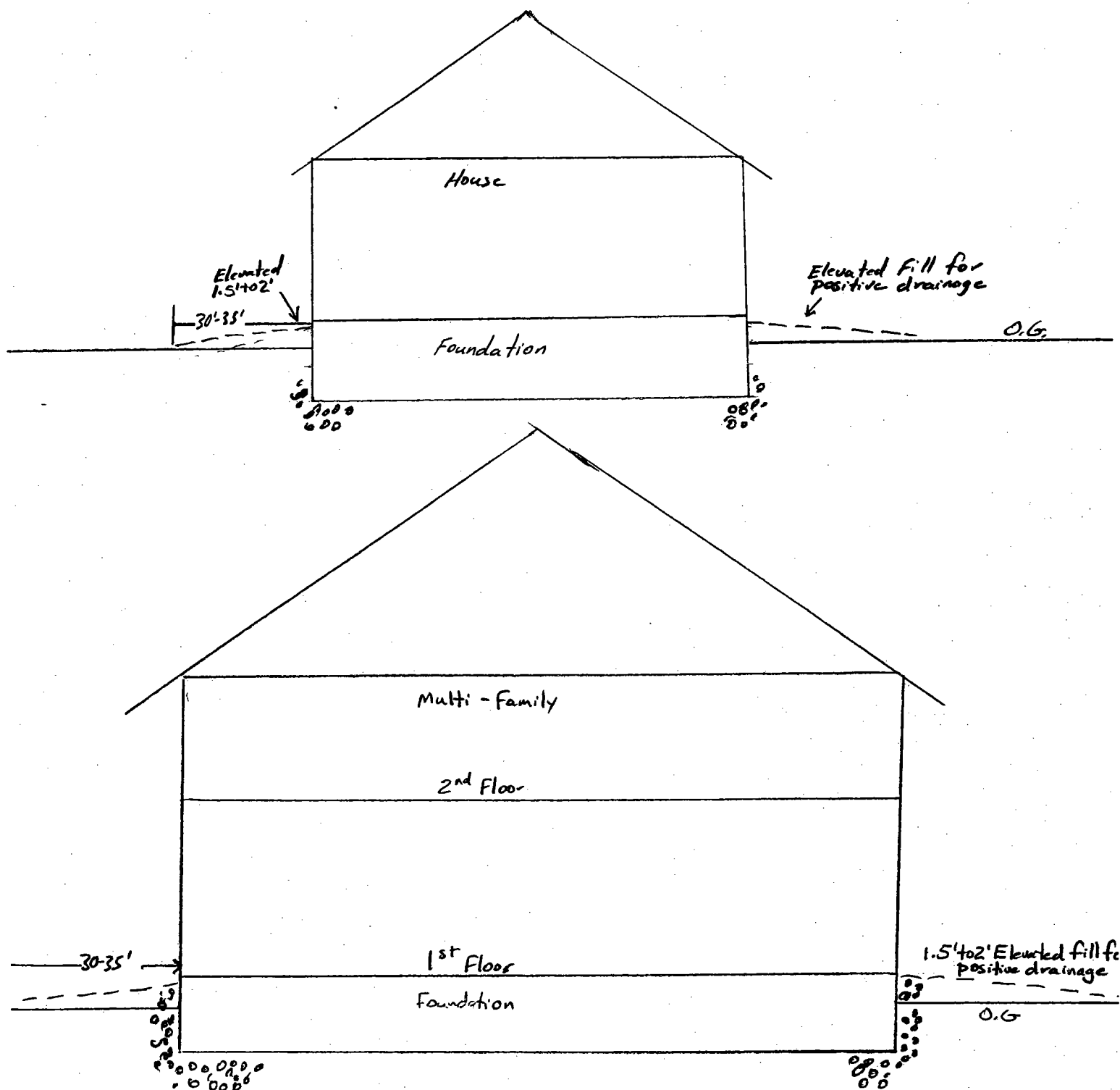
Typical Clearing for House, DEC Septic System + well  
 Approx. 20,300<sup>+</sup> ft cleared



Richard Staley  
 Staley Estates 1st Addition

Richard M. Staley  
 POA-2006-530-4, Chena-Badger Slough  
 Plans prepared: May 23, 2006, by S. Seim

Typical Lot Single-Family Home  
 NTS  
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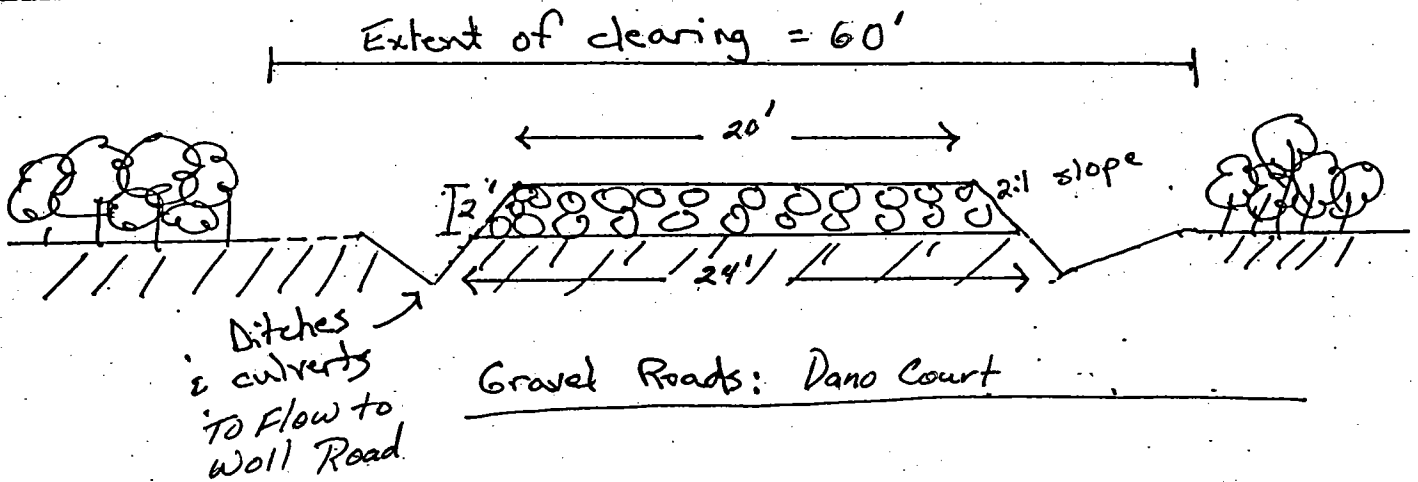
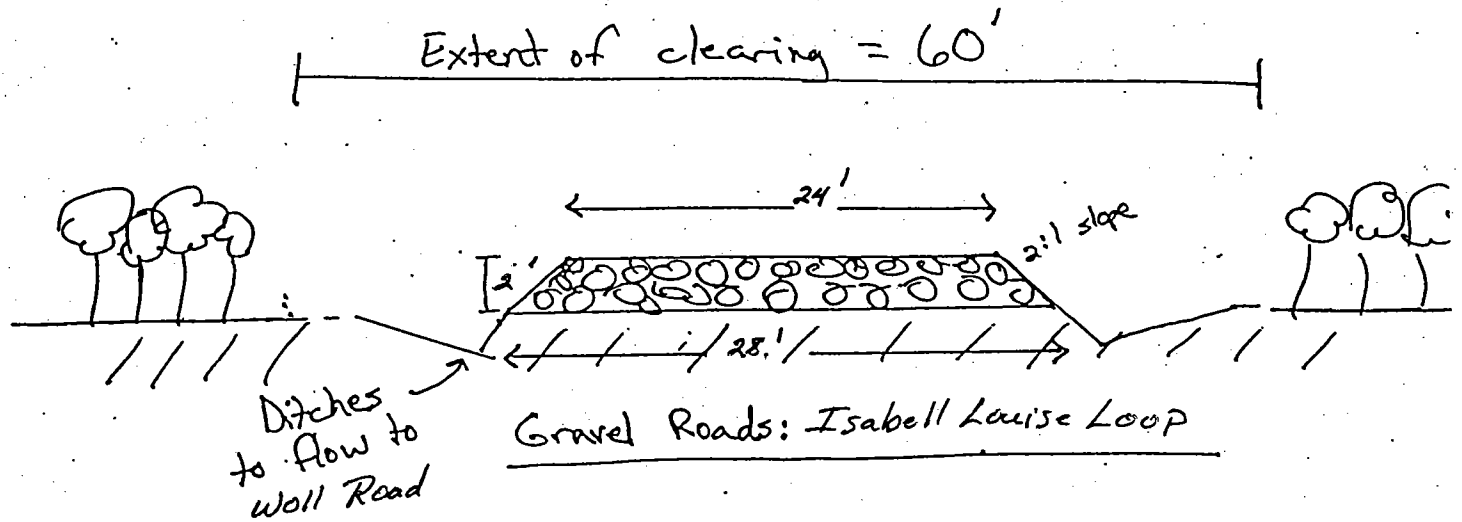
Richard M. Staley  
 POA-2006-530-4, Chena-Badger Slough  
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- \* Gravel to be used for fill in House pads and around foundations
- \* Fill for positive drainage will be silt or topsoil for landscaping. Some wetlands impacted

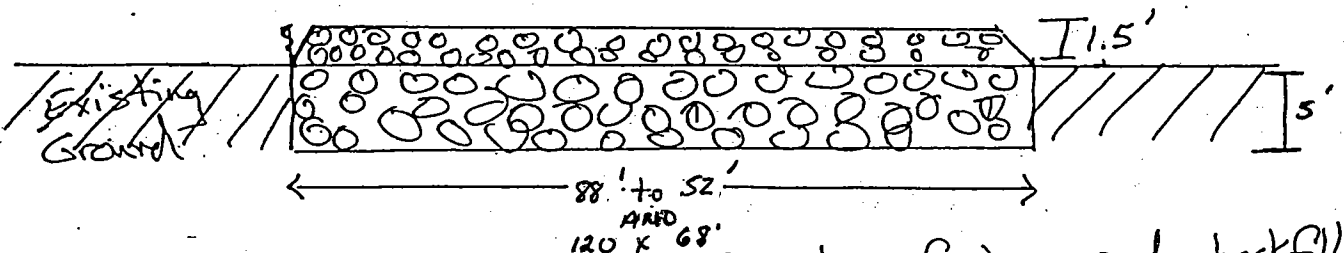
Sections  
 NTS

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Typical Elevation for Multi Family + Residential



## Typical House Pad



Richard M. Staley  
POA-2006-530-4, Chena-Badger Slough  
Plans prepared: May 23, 2006, by S. Seim

Sections (cont.)...  
NTS

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Excavation for house pad; backfill with gravel approx. 5' deep assuming house size of for Sizes Showing in Typical